

R277-510 received final approval by the Utah State Board of Education on September 6, 2018. R277-510 is published in the October 1, 2018 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of November 7, 2018.

~~[R277. Education, Administration.~~

~~R277-510. Educator Licensing – Highly Qualified Assignment.~~

~~R277-510-1. Authority and Purpose.~~

~~—— (1) This rule is authorized by:~~

~~—— (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;~~

~~—— (b) Section 53A-6-104, which directs the Board to establish rules setting minimum standards for educators who provide direct student services; and~~

~~—— (c) Subsection 53A-1-401(3), which permits the Board to adopt rules in accordance with its responsibilities.~~

~~—— (2) The purpose of this rule is to provide definitions and requirements for an educator assignment to meet federal requirements for highly qualified status.~~

~~R277-510-2. Definitions.~~

~~—— (1) "Core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB), Title IX, Part A, 20 U.S.C. 7801, Section 9101(11).~~

~~—— (2) "Highly qualified" means a teacher has met the specific requirements of ESEA, NCLB, Title IX, Part A, 20 U.S.C. 7801, Section 9101(23) or 34 CFR 200.56.~~

~~—— (3) "License endorsement" or "endorsement" means:~~

~~—— (a) a speciality field or area earned through completing required course work established by the Superintendent or through demonstrated competency approved by the Superintendent; and~~

~~—— (b) listed on the Professional Educator License indicating the specific qualifications of the holder.~~

~~—— (4) "NCLB" means the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB), 20 U.S.C. 7801.~~

~~—— (5) "Restricted endorsement" means an endorsement available and limited to teachers in necessarily existent small schools as determined under R277-445 that includes at least nine semester hours of Superintendent-approved university-level courses in each course taught by the teacher holding a restricted endorsement.~~

~~—— (6) "Teacher of record" for the purposes of this rule means the teacher to whom students are assigned for purposes of reporting for data submissions to the Superintendent.~~

~~R277-510-3. NCLB Highly Qualified Assignments – Early Childhood Teachers K-3.~~

~~—— (1) For a teacher assignment in kindergarten through grade 3 to be designated as NCLB highly qualified, the teacher shall have:~~

~~—— (a) a bachelor's degree;~~

~~—— (b) a Utah educator license with an early childhood area of concentration; and~~

~~—— (c) a passing score at the level designated by the Superintendent on a Board-~~

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approved content knowledge test.

~~—— (2) NCLB requirements do not apply to pre-k assignments.~~

~~R277-510-4. NCLB Highly Qualified Assignments - Elementary Teachers 1-8~~

~~—— For a teacher assignment in grades 1 through 8 in an elementary setting to be designated as NCLB highly qualified, the teacher shall have:~~

~~—— (1) a bachelor's degree;~~

~~—— (2) a Utah educator license with an elementary area of concentration; and~~

~~—— (3) a passing score at the level designated by the Superintendent on a Board-approved content knowledge test.~~

~~R277-510-5. NCLB Highly Qualified Assignments - Secondary Teachers 6-12:~~

~~—— (1) For a teacher assignment in grades 6 through 12 to be designated as NCLB highly qualified, the teacher shall have:~~

~~—— (a) a bachelor's degree;~~

~~—— (b) a Utah educator license with a secondary area of concentration and endorsement in the content area assigned; and~~

~~—— (c) at least one of the following in the assignment content area:~~

~~—— (i) a university major degree, masters degree, doctoral degree, or National Board Certification in a related NCLB core academic content area;~~

~~—— (ii) a course work equivalent of a major degree (30 semester or 45 quarter hours) in a related NCLB core academic content area; or~~

~~—— (iii) a passing score at the level designated by the Superintendent on a Board-approved content knowledge test in a related NCLB core academic content area; if no Board-approved test is available, an endorsement is sufficient for highly qualified status.~~

~~—— (2) An assignment in grades 7 or 8 in a secondary setting given to a teacher holding an elementary area of concentration may be designated as NCLB highly qualified if the teacher holds an endorsement in the content area and meets one of the requirements of Subsection R277-510-5(1)(c).~~

~~—— (3) The requirements described in this section only apply to NCLB core academic subject assignments.~~

~~—— (4) Each NCLB core academic course assignment in grades 6 through 12 is subject to the above standards.~~

~~R277-510-6. NCLB Highly Qualified Assignments - Special Education Teachers:~~

~~—— (1) For a special education teacher assignment in grades k-8, excluding grade 7 or 8 mathematics, as the classroom teacher of record for a NCLB core academic subject to be designated as NCLB highly qualified, the teacher shall have:~~

~~—— (a) a bachelor's degree;~~

~~—— (b) a Utah educator license with a special education area of concentration; and~~

~~—— (c) a passing score on a Board-approved elementary content test.~~

~~—— (2) A special educator who would be NCLB highly qualified as a teacher of record in an elementary or early childhood regular education assignment is also NCLB highly~~

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~~qualified as a teacher of record in a special education assignment:~~

~~—— (3) For a special education teacher assignment in grades 7-12 as the classroom teacher of record for a NCLB core academic subject to be designated as NCLB highly qualified, the teacher shall have:~~

~~—— (a) a bachelor's degree;~~

~~—— (b) a Utah educator license with a special education area of concentration; and~~

~~—— (c) any one of the following in the assignment content area:~~

~~—— (i) a passing score at the level designated by the Superintendent on a Board-approved content knowledge test in a related NCLB core academic content area;~~

~~—— (ii) documentation of satisfactory professional development and experience as approved by the Superintendent in a related NCLB core academic content area;~~

~~—— (iii) a university major degree, masters degree, doctoral degree, or National Board Certification in a related NCLB core academic content area; or~~

~~—— (iv) a course work equivalent of a major degree (30 semester or 45 quarter hours) in a related NCLB core academic content area.~~

~~—— (4)(a) IDEA may contain requirements for teacher qualifications in addition to the requirements of NCLB and this rule.~~

~~—— (b) R277-510 does not replace, supercede, or nullify any of the teacher qualification requirements of IDEA.~~

~~R277-510-7. NCLB Highly Qualified Assignments - Necessarily Existent Small Schools 7-12.~~

~~—— or a necessarily existent small school teacher assignment in grades 7 through 12 to be designated as NCLB highly qualified, the teacher shall have:~~

~~—— (1) a bachelor's degree;~~

~~—— (2) an educator license with a secondary area of concentration;~~

~~—— (3) an endorsement in the assignment content area; and~~

~~—— (4) at least one of the following in the assignment content area:——~~

~~—— (a) a university major degree, masters degree, doctoral degree, or National Board Certification;~~

~~—— (b) a course work equivalent of a major degree (30 semester or 45 quarter hours);~~

~~—— (c) a passing score at the level designated by the Superintendent on a Board-approved content knowledge test; or~~

~~—— (d) documentation of satisfactory professional development and experience as approved by the Superintendent in a related NCLB core academic content area.~~

~~R277-510-8. LEA Highly Qualified Plans.~~

~~—— (1) An LEA shall submit a plan to the Superintendent describing strategies for progressing toward and maintaining the highly qualified status of all educator assignments.~~

~~—— (2) A plan described in Subsection (1) shall be updated annually.~~

~~—— (3) The Superintendent shall review LEA plans and provide technical support to LEAs to assist them in carrying out their plans to the extent of staff and resources available.~~

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~~————(4) The Superintendent shall set timelines for submission and review of LEA plans:~~

~~**R277-510-9 Highly Qualified Timelines and Rules in Relation to Other Board Rules:**~~

~~————(1) Documented determinations of highly qualified status under previously enacted Board rules shall remain in effect notwithstanding any subsequent changes in highly qualified requirements:~~

~~————(2) Other Board rules may include requirements related to licensure or educator assignment that do not specifically apply to NCLB highly qualified assignment status:~~

~~————(3) This R277-510 does not supercede, replace, or nullify any of the requirements in other Board rules:~~

~~**KEY: educator, highly qualified**~~

~~**Date of Enactment or Last Substantive Amendment: March 9, 2016**~~

~~**Notice of Continuation: January 14, 2016**~~

~~**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53A-1-401(1)(a); 53A-1-401(3)]**~~